MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2017 / 2018

PCC0012 – INTRODUCTION TO CRIMINAL AND CONSTITUTIONAL LAW

(All Sections / Groups)

6 MARCH 2018
9.00 a.m. - 11.00 a.m.
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of **TWO (2)** printed pages excluding the cover page.
2. Answer **ONE** question from Section A and **ALL** questions from Section B.
3. All answers should be written in the Answer Booklet.

SECTION A: ESSAY [40 MARKS]

Instruction: Answer **ONE** question only.

QUESTION 1A [40 marks]

In the United States, the executive and the legislature are totally separated. Members of one branch are not allowed to be part of another branch. While in the British system, there is no strict separation of power between the executive and the legislature. The Executive is an integral part of the Parliament and is required to be answerable to the representatives of the people.

Discuss the application of democracy in Malaysia's parliamentary system of government. Support your answer with relevant authorities.

(40 marks)

QUESTION 1B [40 marks]

The provision for the Yang Di-Pertuan Agong to send his written objections to Parliament, for Parliament to re-enact the Bill and for the Yang Di-Pertuan Agong to have a second thirty (30) days delay period were repealed. The existing Article 66 (4A) gives His Majesty thirty days to give royal assent after which the Yang Di-Pertuan Agong is bypassed and the Bill becomes law.

Explain the procedures for enacting Malaysian legislation and support your answer with relevant authorities.

(40 marks)

Continued...

SECTION B: ESSAY [60 MARKS]

Instruction: Answer **ALL** questions.

QUESTION 2 [30 marks]

Abdul Malik Ishak J stated that 'bail' in simple language means security taken from a person to appear on a fixed date before a court.

[*Yusof Bin Mohamed v Public Prosecutor (1995) 3 MLJ 66*]

By virtue of the above statement, explain briefly the following:

a) Bailable Offences **(15 marks)**

b) Non-bailable Offences **(15 marks)**

[Total: 30 marks]

QUESTION 3 [30 marks]

In the case of *Mark Koding v Public Prosecutor [1982] 2 MLJ 120,* it was held that freedom of speech did not form what was termed as the basic structure of constitution and the restriction imposed through Sedition Act 1948 was upheld.

Discuss the nature and the restrictions of this fundamental liberty and support your answer with relevant authorities.

(30 marks)

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